

## **Item W06-02 Response Form**

**Title:** *Application to Serve as Temporary Judge (form TJ-001)*

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- ☐ **Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Monday, January 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

## Invitation to Comment W06-02

Title	<b><i>Application to Serve as Temporary Judge (form TJ-001)</i></b>
Summary	The Temporary Judge Rules adopted by the Judicial Council, effective July 1, 2006, include a rule specifying the information that must be provided by an attorney applying to serve as a court-appointed temporary judge. To assist the courts in implementing this rule and processing applications by attorneys applying to serve as temporary judges, an <i>Application to Serve as Temporary Judge</i> (form TJ-001) has been developed.
Source	Temporary Judges Working Group Hon. Robert B. Freedman and Hon. Douglas R. Miller, Co-Chairs Civil and Small Claims Advisory Committee Hon. Elihu M. Berle, Chair
Staff	Patrick O'Donnell, Senior Attorney, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p><i>Application to Serve as Temporary Judge</i> (form TJ-001) will assist the courts in processing applications from attorneys to be appointed as temporary judges. The form requests all the information required by rule 6.744 of the California Rules of Court.<sup>1</sup></p> <p>This application form has been developed for the convenience of the courts. It is not intended to be an official Judicial Council form; rather it would be a form made available by the Administrative Office of the Courts to the superior courts for their use, at their discretion.</p> <p>If a court elects to use this form, it may also require that applicants provide additional information in a supplemental form. Alternatively, a court may develop and use its own application form or forms.</p> <p>Comments are invited from the public for suggestions to improve the form. Comments are also invited whether the form should include a short questionnaire seeking additional information about the applicant (such as age, gender, race, ethnicity, etc.) The goal is to have this form available for use by the courts by July 1, 2006.</p> <p>Form TJ-001 is attached at pages 2–5.</p>
	Attachment

<sup>1</sup> For reference purposes, a copy of rule 6.744 is attached at pages 6–7. This rule has been adopted by the Judicial Council and will become effective on July 1, 2006.

# SUPERIOR COURT OF CALIFORNIA COUNTY OF

(Space for court seal,  
if desired)

(Space for court address)

Please return completed Application to:

(Space for name and address of Temporary Judge Administrator  
or other person designated to receive applications.)

## Application to Serve as Temporary Judge

### 1. Contact Information

- a. Name: \_\_\_\_\_ b. State Bar number:
- c. Business address: \_\_\_\_\_  
 \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_  
 Mailing address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_
- d. E-mail: \_\_\_\_\_
- e. Telephones:  
 Daytime: \_\_\_\_\_ Evening: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell (optional): \_\_\_\_\_

### 2. Professional and Personal Qualifications

- a. Date of admission to the State Bar of California: \_\_\_\_\_ b. Number of years of membership: \_\_\_\_\_
- c. I am presently in good standing with the State Bar of California.
- d. ☐ I am certified as a specialist by the State Bar of California Board of Legal Specialization or by an organization whose certification program has been accredited by the State Bar of California.  
 Areas of specialization: \_\_\_\_\_  
 \_\_\_\_\_
- e. ☐ I was admitted to practice law on the date indicated in each state listed below, and have the number of years of membership shown. I am presently in good standing to practice law in each state listed.
- |              |                      |                                      |
|--------------|----------------------|--------------------------------------|
| State: _____ | Date admitted: _____ | Number of years of membership: _____ |
| State: _____ | Date admitted: _____ | Number of years of membership: _____ |
- ☐ Additional states, dates of admission, and years of membership are listed on Attachment 2e.
- f. ☐ I am certified as a legal specialist by other states or organizations as follows (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 Areas of specialization: \_\_\_\_\_  
 \_\_\_\_\_
- g. ☐ I have not ☐ I have been disciplined by the State Bar, the bar association or other professional licensing entity in another state, or a court of record, including imposition of sanctions or being held in contempt by a court. (If you answered "I have," please describe the circumstances and the discipline imposed in Attachment 2g.)

## Application to Serve as Temporary Judge

### 2. Professional and Personal Qualifications *(continued)*

- h. ☐ I have not ☐ I have been convicted or pleaded no contest to a felony or misdemeanor.  
 i. ☐ I am not ☐ I am a defendant in a pending felony or misdemeanor proceeding.

*(If you answered "I have" to item 2h or "I am" to item 2i, please describe the circumstances in Attachment 2h or 2i, including the offenses involved, the court where the proceedings were held or are pending, the disposition of all completed matters, and the status of all pending matters.)*

- j. ☐ I have not ☐ I have been a party to legal proceedings.

*(If you answered "I have" to item 2j, please briefly describe each proceeding in Attachment 2j, including its general nature, your position in the proceeding, the court where the proceeding was filed, the case number, the disposition of all completed matters, and the status of all pending matters.)*

### 3. Practice Experience

- a. The principal portion of my law practice in California takes place in the following counties: \_\_\_\_\_

- b. The principal portion of my litigation practice in California takes place in the following courts *(specify state and federal courts, including trial and appellate courts, if applicable)*: \_\_\_\_\_

- c. I have appeared in this court approximately \_\_\_\_\_ times in the last 12-month period.

- d. I currently practice in the following areas of law *(list each subject area of law that occupies at least 10 per cent of your time)*:

\_\_\_\_\_  
 \_\_\_\_\_

- e. ☐ I hold myself out publicly as representing exclusively one side in the following areas of litigation practice:

Area of Practice

Side Represented

\_\_\_\_\_  
 \_\_\_\_\_

- f. ☐ I represent one side in more than 90 percent of my cases in the following areas of litigation practice:

Area of Practice

Side Represented

\_\_\_\_\_  
 \_\_\_\_\_

### 4. Experience as a Temporary Judge

- a. ☐ I have ☐ I have not previously served in this court as a temporary judge.

*(If you answered "I have," please describe in Attachment 4a your prior service in this court, including the approximate number and types of matters heard, the approximate dates of service, and the locations where you served.)*

- b. ☐ I have ☐ I have not previously served in other California courts as a temporary judge.

*(If you answered "I have," please describe in Attachment 4b your prior service in other courts, including the courts where you served, the approximate number and types of matters heard, the approximate dates of service, and the locations where you served.)*

- c. ☐ I have not ☐ I have been removed by a court as a temporary judge.

*(If you answered "I have," please describe the circumstances in Attachment 4c, including the court involved, the date you were removed, and the reasons for your removal.)*

## Application to Serve as Temporary Judge

### 5. Areas of Interest as a Temporary Judge

I am willing to serve as a temporary judge in the following types of cases:

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### 6. Additional Information

If applicable, respond to the following:

- a. ☐ The following limitations may affect my capability to serve as a temporary judge (e.g., physical limitations, scheduling constraints, or specific subject matter restrictions) and require accommodations (*describe the limitations and accommodations*):

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☐ Continued on Attachment 6a.

- b. ☐ The court is committed to encouraging diversity to appointments as temporary judges. The following facts should be considered in my support of my appointment:

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☐ Continued on Attachment 6b.

- c. ☐ The following additional facts concerning my background, situation, or circumstances may positively or negatively reflect on me or on my suitability for appointment, and should be disclosed to the court:

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☐ Continued on Attachment 6c.

### 7. Training

Describe the training that you have received as a temporary judge (including the subjects, dates, and the name of the court or other providers of the training).

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☐ Continued on Attachment 7.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct. I understand that any misstatement or omission of material fact may disqualify me from serving as a temporary judge in this court.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF APPLICANT)



\_\_\_\_\_  
(SIGNATURE OF APPLICANT)

(This application is not complete unless the Waiver and Authorization for Release of Information on the next page is signed by the applicant.)

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## Application to Serve as Temporary Judge

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### WAIVER AND AUTHORIZATION FOR RELEASE OF INFORMATION

I have applied to be appointed as a temporary judge in the Superior Court of California, County of \_\_\_\_\_.

I hereby authorize the State Bar of California to release information to a duly authorized representative of that court regarding the following matters: (1) whether I am a member in good standing of the State Bar; (2) whether I have a record of discipline with the State Bar; and (3) whether any disciplinary action by the State Bar is pending against me.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF APPLICANT)

\_\_\_\_\_  
(SIGNATURE OF APPLICANT)

\_\_\_\_\_  
(STATE BAR NUMBER OF APPLICANT)

## California Rules of Court

### 1 Rule 6.744. Application procedures to serve as a court-appointed temporary judge

- 2
- 3 (a) **[Application]** Every attorney who applies for appointment as a temporary
- 4 judge in a trial court must complete an application to serve as a temporary
- 5 judge.
- 6
- 7 (b) **[Information required]** The attorney must provide all applicable information
- 8 requested on the application. This information must include:
- 9
- 10 (1) The attorney's name and contact information as required by the court;
- 11
- 12 (2) The attorney's State Bar number;
- 13
- 14 (3) The date of the attorney's admission to the State Bar of California and the
- 15 dates of his or her admissions to practice in any other state;
- 16
- 17 (4) Length of membership in the State Bar of California and of practice in
- 18 any other state;
- 19
- 20 (5) Whether the attorney is in good standing with the State Bar of California
- 21 and in good standing as an attorney in any other state where the attorney
- 22 has been admitted to practice;
- 23
- 24 (6) Whether the attorney has ever been disciplined, or is the subject of a
- 25 pending disciplinary proceeding, by the State Bar of California or by any
- 26 other state bar association or court of record; and, if so, an explanation of
- 27 the circumstances;
- 28
- 29 (7) The areas of specialization for which the attorney has been certified in
- 30 California or in any other state;
- 31
- 32 (8) The attorney's major area or areas of practice;
- 33
- 34 (9) Whether the attorney holds himself or herself out publicly as representing
- 35 exclusively one side in any of the areas of litigation in which the attorney
- 36 practices;
- 37
- 38 (10) Whether the attorney represents one side in more than 90 percent of all
- 39 cases in any areas of litigation in which the attorney specializes or
- 40 concentrates his or her practice;
- 41
- 42 (11) The location or locations in which the attorney principally practices;
- 43

- (12) How often the attorney appears in the court where he or she is applying to serve as a temporary judge;
- (13) A list of the attorney's previous service as a temporary judge in the court where the attorney is applying and in any other court;
- (14) Whether the attorney has ever been removed as a temporary judge by any court;
- (15) The types of cases on which the attorney is willing to serve as a temporary judge;
- (16) Whether the attorney has ever been convicted of a felony or misdemeanor, or is a defendant in any pending felony or misdemeanor proceeding, and, if so, a statement about the conviction or pending proceeding;
- (17) Whether the attorney has been a party in any legal proceedings and, if so, a brief description of the proceedings;
- (18) Information concerning any circumstances or conditions that would adversely affect or limit the attorney's ability to serve as a temporary judge;
- (19) Any facts concerning the attorney's background that may reflect positively or negatively on the attorney or that should be disclosed to the court; and
- (20) Such additional information as the court may require.
- (c) **[Continuing duty to disclose]** An attorney appointed by a court to serve as a temporary judge has a continuing duty to disclose to the court any material changes in facts or circumstances that affect his or her ability to serve as a temporary judge. The attorney must disclose the changes to the court before the next time the attorney is assigned to serve as a temporary judge.
- (d) **[Review of application]** The presiding judge, assisted by the Temporary Judge Administrator, must review all applications and determine whether each applicant is qualified, has satisfied the requirements of rule 243.13, and should be appointed as a temporary judge. The presiding judge may delegate this task to another judge or a committee of judges, assisted by the Temporary Judge Administrator. In appointing attorneys as temporary judges, the presiding judge may go beyond the minimum qualifications and standards required under the California Rules of Court. The decision whether to appoint, use, retrain, remove, or discontinue using any particular attorney as a temporary judge is at the sole discretion of the presiding judge.